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Chair: Mr. Gunnarsson ..... (Iceland)

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The meeting was called to order at 3.05 p.m.

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(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/72/127, A/72/128, A/72/131, A/72/132, A/72/133, A/72/135, A/72/137, A/72/139, A/72/140, A/72/153, A/72/155, A/72/162, A/72/163, A/72/164, A/72/165, A/72/170, A/72/171, A/72/172, A/72/173, A/72/187, A/72/188, A/72/201, A/72/202, A/72/219, A/72/230, A/72/256, A/72/260, A/72/277, A/72/280, A/72/284, A/72/289, A/72/290, A/72/316, A/72/335, A/72/350, A/72/351, A/72/365, A/72/370, A/72/381, A/72/495, A/72/496, A/72/502, A/72/518, A/72/523 and A/72/540)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/72/279, A/72/281, A/72/322, A/72/322/Corr.1, A/72/382, A/72/394, A/72/493, A/72/498 and A/72/556; A/C.3/72/2-S/2017/798, A/C.3/72/3-S/2017/799, A/C.3/72/4-S/2017/800, A/C.3/72/5-S/2017/816, A/C.3/72/6-S/2017/817, A/C.3/72/7-S/2017/818, A/C.3/72/8-S/2017/819, A/C.3/72/10-S/2017/852, A/C.3/72/11, A/C.3/72/13-S/2017/873, A/C.3/72/14 and A/C.3/72/16)

1. **Ms. Callamard** (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing her report on the unlawful death of refugees and migrants (A/72/335), said that her mandate could make an important contribution to in global efforts to prevent and address violations of the right to life. Remarking on the low response rate to her written communications to States, she urged States to cooperate and respond to her queries. Country visits had also contributed to the preparation of the report. She thanked Italy and the European Union for their cooperation during her visits.

2. The report highlighted a human rights and humanitarian crisis characterized by mass casualties, impunity for perpetrators and high tolerance for its fatalities, for which no reliable comprehensive data was available despite many initiatives, including the Missing Migrants Project of the International Organization for Migration. The record of deaths underestimated the loss of life by thousands.

3. There was an inherent conflict between Governments' human rights protection obligations and control-of-entry policies that implicitly or explicitly tolerated a high risk of migrant deaths. Such policies shared the three troubling features of deterrence, extraterritoriality and militarization. Tolerance of such risk was an extremely grave development. Justifying mass casualties in the name of policy or politics brought humankind to the edge of a very deep abyss.

4. She called on all Member States and intergovernmental officials to give the recommendations contained in her report due consideration and to implement them comprehensively. Initiatives to improve global governance of migration were important opportunities to ensure that the right to life of refugees and migrants was respected and protected.

5. **Mr. Bessedik** (Algeria), noting that his was a transit country, said that the well-known deeper causes of migration and the mass movement of people needed to be addressed with greater cooperation and focus. Only then could problems linked to migration, such as people smuggling, terrorism, drug trafficking and human trafficking, be resolved. While migration could not be stopped, it could and should be better organized.

6. **Mr. Locsin, Jr.** (Philippines), calling the unlawful death of refugees and migrants the worst crime of the 21st century said that ten million Filipinos were working in every corner of the world, and the subject of the report was a matter of great concern to his Government. His country had welcomed refugees throughout its history, including White Russians fleeing Communism in Russia and later in China, Jews escaping Europe and Iranians fleeing after the fall of the Shah. It had on two occasions offered unconditional asylum to Rohingya.

7. While his Government fully supported the role of the special procedures mechanisms of the Human Rights Council in addressing the plight of vulnerable groups, it was concerned that some mandate holders were not complying with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council and the Manual of Operations of the Special Procedures of the Human Rights Council. The Human Rights Council should heed the two joint statements that had been issued by States at the recent session of the Human Rights Council and develop accountability mechanisms for special rapporteurs and independent experts. Special rapporteurs should apply methodological rigour and objectivity, respect national sovereignty and avoid self-righteousness. His delegation wished to know what measures the Special Rapporteur had taken to ensure that she stayed within the bounds of her mandate and remained objective in her work, and how States could assist special procedures mandate-holders in that regard.

8. **Mr. Kent** (United Kingdom) said that States were responsible for meeting their human rights obligations

in respect of all people, regardless of their migration status. His Government took a comprehensive approach to making global migration safer and regular by providing humanitarian assistance along migration routes and resettlement assistance. It was fostering political stability and long-term sustainable development in fragile States and taking action against smugglers and traffickers who exploited vulnerable individuals.

9. His Government's efforts upstream were not an attempt at externalization, but rather an effort to protect migrants before they could be exploited. Deterring migrants from making dangerous journeys protected them, while challenging criminal networks. Effective border management was vital for the responsible reception of asylum-seekers. The European Union's Operation Sophia, mentioned in the report, was a good example of how humanitarian and security policies could exist side-by-side. The United Kingdom was firmly committed to making Sustainable Development Goal 10, target 7, a global reality and was working with the United Nations Global Compact processes to that end.

10. **Ms. Charrier** (France) said that extrajudicial, summary or arbitrary executions were the worst violations of human rights. States should step up their fight against such crimes and ensure that perpetrators were held accountable for their acts in a court of law. Deaths and disappearances of migrants and refugees implicating State and non-State actors were especially troubling. More needed to be done to combat impunity and to collect more accurate data on the number and circumstances of such cases.

11. She wished to know what measures States should take to improve the collection and sharing of data relating to the disappearance of migrants and refugees and whether the matter could be addressed in international agreements on refugees and migration. Her Government's response to the migration issue was fully in line with international human rights law and the international humanitarian law framework. She called on States and international organizations alike to address the tremendous loss of life among refugees and migrants as a matter of priority.

12. **Mr. Forax** (Observer for the European Union) said that the European Union remained committed to preventing and ending extrajudicial, summary or arbitrary executions in all circumstances and to ensuring respect for both international human rights law and international humanitarian law and accountability for violations of international law and the right to life. Reiterating the European Union's strong opposition to the death penalty, he called on States to take steps to abolish it and was interested to hear how the Special Rapporteur planned to influence that issue in her work.

13. The European Union would study the recommendations contained in the report as part of efforts to enhance its policies and response to address the deaths of migrants and refugees, the lack of thorough investigations and the role of State and non-State actors in migrant deaths. He asked the Special Rapporteur to explain what measures States should take to improve the collection and sharing of accurate data regarding the dead and the missing. It would be helpful to know what key measures were involved in taking a gender-sensitive approach to preventing arbitrary killings. He was also interested to know more about the Special Rapporteur's priorities and plans for country visits. The European Union called on States to fully cooperate with the Office of the Special Rapporteur, including her requests for visits.

14. **Ms. Westaway** (Australia) said that guidelines established as part of the global compact for migration and the global compact on refugees could help to make migration safe and to promote models for global cooperation on transnational crime. The global compacts should focus on the prevention of the arbitrary deprivation of life of refugees and migrants. Her country's border policy sent a clear message that smugglers could not exploit vulnerable people by selling them passage to Australia. The safety of those aboard intercepted boats was of paramount importance. Australia had robust arrangements in place to ensure that people intercepted at sea would not face a real risk of significant harm. Her country remained deeply concerned at the tragic loss of life among refugees and migrants at the hands of criminal networks and called for all persons presumed responsible for the deaths of refugees and migrants to be brought to justice.

15. **Mr. Laaksonen** (Finland), speaking also on behalf of Denmark, Iceland, Norway and Sweden, said that the lack of compliance by States with their obligations to prevent and investigate extrajudicial killings was of particular concern, as stressed in General Assembly resolution 69/182 on extrajudicial and summary executions, which had been introduced by the Nordic countries. States needed to address the frequent absence of thorough investigations and the widespread impunity, not only to provide remedies for the victims and their families but also to prevent continued violations. Migrants and refugees were at particular risk, as they were often reluctant to contact law enforcement authorities due to fear of deportation.

16. Welcoming the Special Rapporteur's recommendations, he asked which groups of migrants and refugees were at particular risk of extrajudicial killings, and what steps States could take to protect those individuals. He also wished to know how States could assist child migrants and refugees with regard to violence and extrajudicial killings perpetrated by non-State actors. The Nordic countries fully supported the independent work of the Special Rapporteur and called on all States to cooperate with her mandate and to accept her requests to visit.

17. **Ms. Callamard** (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that when the right to life was not protected, human rights and society itself were undermined. While a discussion of the deeper causes and relevant recommendations fell outside the scope of her mandate, the reports of the Special Rapporteur on the human rights of migrants discussed those causes in depth and contained recommendations.

18. A panel discussion would be held the following day to discuss measures that could be taken to improve the collection and sharing of data on the deaths of migrants and refugees. Local stop-gap solutions existed, but they were not being turned into national policies owing to the lack of resources and political will. Sharing data would give closure to families of the deceased and make the way the deaths were being handled more humane.

19. To reduce deaths among migrants and refugees, States and intergovernmental organizations such as the International Criminal Police Organization (INTERPOL), the European Police Office (Europol) and the United Nations Office on Drugs and Crime (UNODC) should give priority to investigating cases of smuggling involving homicide. Police and prosecutors should not be deterred by the complexity of investigating such cases, despite the associated political and technical challenges and the close cooperation that was required.

20. Tying the effectiveness of their deterrence policies to the likelihood of death of refugees and migrants placed the moral leadership of States, indeed the entire international human rights system, in danger. While refugees and migrants had no one to protect them and were usually poor and fleeing violence, States that could prevent or respond to the violations were using policy justifications that put the lives of refugees and migrants at greater risk.

21. Recognizing the right of Governments to monitor their borders and control migration, she insisted that they could do so while still making it a priority to protect the right to life. She invited Member States to consult with her and move forward with implementing the practical recommendations contained in her report.

22. **Ms. Bhoola** (Special Rapporteur on contemporary forms of slavery, including its causes and consequences), introducing her report (A/72/139), said that during the interactive debate of the thirty-third session of the Human Rights Council in September 2016, she had called for the international community to accelerate its efforts to end the horrendous suffering of the millions of people subjected to contemporary forms of slavery. Since then, there had been grounds for both optimism and frustration. On the one hand, civil society had devoted more attention to the issue; Member States had improved legal and governance frameworks; more businesses were carrying out due diligence in global supply chains; and the Security Council had focused attention on the linkages between modern slavery, human trafficking and armed conflicts.

23. On the other hand, legislation still did not provide enough protection against extreme forms of labour and sexual exploitation; victims had limited access to effective and adequate remedies; preventive measures to protect those at risk did not go far enough; and the global community was doing too little to address systemic socioeconomic trends that enabled exploitation on a global scale. The 2017 Global Estimates of Modern Slavery of the International Labour Organization (ILO) estimated that 40 million people had been victims of contemporary forms of slavery in 2016, including 10 million children. Those figures highlighted the urgent need for intensified global action, including for Member States to harness all mechanisms available to them to comply with their duties to respect, protect and promote the human rights of the victims, especially among the most vulnerable communities.

24. The universal endorsement of the 2030 Agenda for Sustainable Development had created the potential for accelerating efforts to eradicate all contemporary forms of slavery. Despite the increasing criminalization of slavery and the promotion of business transparency and civil society advocacy, the scourge of contemporary slavery continued unabated. The inclusion in the Sustainable Development Goals of target 8.7 on the eradication of modern slavery reflected the enormous progress which had already been made. Nevertheless, the historic opportunity created by the 2030 Agenda would be lost if the resources to fully achieve it were not mobilized by the international community.

25. The report focused on a number of the interconnected and mutually reinforcing trends that had undermined human rights-centred sustainable

development and driven extreme exploitation on a massive scale, including globalization, poverty and widening global inequality, lack of decent work and productive employment opportunities, weak labour market regulation and persistent gender inequality. Among the recommendations proposed in the report, she emphasized the need to enhance international collaboration and knowledge-sharing through initiatives such as SDG Alliance 8.7.

26. In addition, Member States should harmonize their national legislative and policy frameworks with the Slavery Convention signed at Geneva on 25 September 1926; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the ILO Forced Labour Convention, 1930 (No. 29); the ILO Abolition of Forced Labour Convention, 1957 (No. 105); the Protocol of 2014 to the Forced Labour Convention, 1930; and the Worst Forms of Child Labour Convention, 1999 (No. 182). Member States should also have robust law enforcement capable of delivering criminal justice, specifically target illicit money flows and corruption and guarantee access to justice and adequate and effective remedies for victims. In view of the estimate by ILO that each year $150 billion was extracted from the private sector as a result of forced labour, it was vital to increase corporate accountability for contemporary forms of slavery in global supply chains. Lastly, there was considerable room for improvement in evidence and research, especially through innovative and collaborative ways of placing the human rights and dignity of each person at the core of sustainable development.

27. The world had reached a tipping point and the international community could and should do more to stop the continued violation of the fundamental human rights and dignity of adults and children. She called on Member States, the international community and other stakeholders to work together to make demonstrable progress towards achieving target 7 of Goal 8.

28. **Mr. Al Mansoori** (Qatar) said that his country, in line with its ethical and legal obligations, continued to make every effort to combat contemporary forms of slavery at the national, regional and international levels. Qatar made substantial contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and had endorsed the document entitled A Call to Action to End Forced Labour, Modern Slavery and Human Trafficking, which had been adopted in September 2017 on the margins of the high-level segment of the General Assembly. He agreed with the Special Rapporteur that ending contemporary forms of slavery was an integral part of the broader struggle to combat poverty, underdevelopment and gender inequality and achieve human rights-based development and justice for all, and asked what strategies Member States could adopt to bolster their efforts to monitor and report on the implementation of the Sustainable Development Goals in the context of measures to eradicate modern slavery.

29. **Mr. Wheeler** (United Kingdom) said that his Government had established a task force to combat modern slavery; invested in training and increased the powers of law enforcement officers to better identify victims; and introduced maximum life sentences for human traffickers under the Modern Slavery Act. During the high-level week of the General Assembly, the United Kingdom had been joined by 36 States and the Secretary-General in launching a document entitled "A Call to Action to End Forced Labour, Modern Slavery and Human Trafficking", which recognized the global scale of such crimes, their ability to undermine prosperity and economic development and the global challenges in tackling them.

30. If Member States were to meet their Sustainable Development Goals, they must develop national strategies that addressed not only the root causes of modern slavery, but also victim protection and law enforcement. Since modern slavery was an issue that cut across all three United Nations pillars, the United Nations should step up its efforts to drive and coordinate a global response. He asked the Special Rapporteur in what way United Nations agencies could help countries to develop national strategies related to target 8.7.

31. **Ms. Lekalakala** (South Africa) said that collective action by the international community to achieve the 2030 Agenda would help to address major socioeconomic trends that were the drivers of contemporary forms of slavery. Her delegation believed that exercise of the right to development would help to end the enabling environment for exploitation and contemporary forms of slavery. She asked the Special Rapporteur to clarify her recommendation in the report that Governments should change the way in which they regulated processes contributing to globalization in order to counter negative socioeconomic trends.

32. **Ms. Oehri** (Liechtenstein) said that impunity was rampant despite the existence of numerous international laws on slavery. Liechtenstein was currently trying to help Member States in their investigations and prosecutions of such offences by working with financial institutions to disrupt financial chains linked to human trafficking and modern slavery. She asked the Special Rapporteur how she intended to use her mandate to contribute to the fight against impunity for those crimes.

She also wondered how the global compact for safe, orderly and regular migration could be designed in a way that prevented people on the move from being trapped in contemporary forms of slavery.

33. **Mr. Forax** (Observer for the European Union) said that the 2030 Agenda could play a crucial role in the eradication of trafficking in persons, contemporary forms of slavery and forced labour, and in ensuring that the perpetrators of related human rights abuses were held accountable. States members of the European Union were committed to implementing the 2030 Agenda through cooperation with Governments, international organizations, civil society, local communities, the private sector, academia and all relevant stakeholders. In October 2017, the European Commission had called for a renewed commitment to eradicating trafficking in human beings, with a focus on tackling the root causes of trafficking and increasing cross-border cooperation.

34. The European Union would appreciate further information on how Member States could ensure coherence and coordination among stakeholders' initiatives aimed at promoting the achievement of Sustainable Development Goals related to contemporary forms of slavery. He also wondered what reparations the Special Rapporteur recommended for victims.

35. **Ms. Mortaji** (Morocco) said that Morocco had adopted a bill on human trafficking in June 2016 as part of its policy to align all its legislation with international anti-trafficking norms. Her delegation would like to hear about examples of best practices in international cooperation for preventing and combating contemporary forms of slavery.

36. **Ms. Sandoval Espinola** (Paraguay) said that her delegation was grateful to the Special Rapporteur for her visit to Paraguay in July 2017. To counter the negative effects of globalization, inequality and similar trends, the Special Rapporteur's report should be distributed widely, especially to the private sector and transnational companies.

37. **Ms. Bhoola** (Special Rapporteur on contemporary forms of slavery, including its causes and consequences) said that various national, regional and global initiatives already existed to promote cooperation for the achievement of the Sustainable Development Goals. Alliance 8.7 helped States to mobilize resources for initiatives related to target 8.7 and enabled them to exchange best practices on a knowledge platform. She recommended that Member States work closely with Alliance 8.7 and similar initiatives which had been set up specifically to promote coordination among Member States. ILO had also worked with the International Organization for Migration (IOM) and the Walk Free Foundation to create a baseline for estimates of the prevalence of forced marriage, forced labour and child labour, which Member States could draw upon when formulating policies. Other United Nations agencies had created various other initiatives which she invited Member States to participate in and endorse.

38. Her report had largely concentrated on the negative effects of globalization, such as a reduction of labour market regulations. By recommending that Member States should change the way in which they regulated processes contributing to globalization, she had meant that they should promote the equal access of all their citizens to the benefits of globalization. It was the responsibility of Member States to comply with human rights obligations by regulating the conduct of businesses and transnational corporations operating in global supply chains. The legal framework set up by the United Kingdom under its Modern Slavery Act was a good example of that practice. Given that globalization tended to encourage businesses to develop the cheapest product possible, exploitation tended to occur in developing countries at the lowest levels of the supply chains, where labour standards and corruption were insufficiently scrutinized. Governments, businesses and stakeholders must therefore pool their efforts to ensure that the supply chain was duly monitored and that slavery was eradicated at every level.

39. According to IOM in 2016, almost two thirds of all migrants interviewed had reported falling victim to forced labour at some point during the migration process. Statistics of that kind revealed the desperate need for policy coherence between national and regional bodies and for the criminalization of contemporary forms of slavery at all levels of the supply chain. It was also important for labour inspectors and other law enforcement officials to be able to identify groups vulnerable to exploitation and forced labour and take steps to ensure that they would not become trapped in slavery.

40. It was beyond the ambit of her report to recommend measures on reparations for victims, although that would be the subject of a future report. She noted that her thematic report on access to justice and remedy contained references to specific instances in which Governments needed to address the rights of descendants of slavery who remained victims of discrimination.

41. **Mr. Ouguergouz** (President of the Commission of Inquiry on Burundi), presenting the report of the Commission of Inquiry on Burundi (A/HRC/36/54),

said that serious human rights violations had been committed in Burundi since April 2015, some of which could constitute crimes under international law. The Human Rights Council had expressed grave concern about the findings of the Commission and had decided to extend its mandate for a period of one year. The Commission would use that time to further investigate the alleged perpetrators of crimes against humanity whom it had already identified and to look into serious human rights violations committed by armed opposition groups.

42. The Government of Burundi had repeatedly refused to cooperate with the Commission, which was deeply regrettable. As recently as 11 October 2017, a request for a meeting with the Permanent Representative had been denied. The Commission also deplored the efforts of Burundian officials to discredit its work. Nevertheless, the Commission was committed to working with the Burundian authorities, in particular the parliamentary commission that had been set up to review the report of the Commission of Inquiry.

43. Contrary to the Government's claims, the human rights situation had scarcely improved since April 2015. In mid-October 2017, the Burundian refugee population had been estimated at 410,000 persons, around 4 per cent of the total population. Opportunities for democratic expression had also been severely restricted. For instance, the National Communications Council had suspended the radio station run by the Chamber of Commerce and Industry for criticizing the Government's failure to react to the massacre of Burundian refugees in the Democratic Republic of the Congo in September 2017.

44. The crisis had been worsened by pervasive impunity. The majority of human rights violations committed by agents of the State and the Imbonerakure had not been properly investigated by the authorities. The Government must take immediate measures to combat such impunity. Although Burundi would withdraw from the Rome Statute of the International Criminal Court on 27 October 2017, the Court had jurisdiction over international crimes committed between April 2015 and that date. Deploring the lack of international attention that the situation in Burundi was receiving, he urged Member States to engage in efforts to find a sustainable solution to the crisis.

45. **Mr. Shingiro** (Burundi) said that Burundi continued to endure unprecedented political and diplomatic harassment and to be subjected to a smear campaign that amounted to a diplomatic war against the Burundian people. That same campaign had led to the establishment of the Commission of Inquiry, in complete disregard of his Government's position on the matter. Burundi had legitimately rejected the hasty establishment of the Commission on the grounds that it violated the Charter of the United Nations and article 29 of the Universal Declaration of Human Rights. Burundi had not cooperated and would not cooperate with the Commission because the imposition of such a mechanism constituted a violation of his country's sovereignty.

46. Members of the Commission had not set foot in his country, and so their report on the human rights situation was clearly biased and politically motivated. Burundi reserved the right to prosecute the authors of the report for defamation and an attempt to destabilize his country. The report had been based on oral accounts and WhatsApp messages from refugees in the region who had fled the country after committing crimes during the attempted coup d'état in May 2015. They had subsequently attacked Burundi after receiving military training and equipment, in violation of the Convention relating to the Status of Refugees. The methodology of the report was also flawed since the Burundian authorities had not been given the opportunity to challenge the accusations. In addition, the Commission systematically made accusations against the Government in the report, while covering up heinous crimes of which the radical opposition groups had publicly boasted. Not a single paragraph was devoted to the radical opposition groups which operated under the umbrella of various external actors that protected them from prosecution.

47. The Commission had also recommended that the International Criminal Court initiate, as soon as possible, an investigation into the situation and that Burundi reconsider its decision to withdraw from the Rome Statute of the International Criminal Court. There was sufficient proof that the Commission had in fact been established in order to use the Court to threaten Burundi, whereas Burundi's withdrawal from that institution stemmed from the politicized nature of the reports used by the Court to make its decisions. The latest attempt by the international community to manipulate Burundi through yet another biased report had only served to entrench its position: his country's decision to withdraw from the Court would be effective in a matter of hours and was irreversible.

48. He called on the Chair of the Commission not to be swayed by political pressures. The Commission's tolerance of crimes perpetrated against civilians and State authorities, its failure to mention numerous victims and the soft language used to refer to armed opposition groups in paragraphs 95 and 96 of the report compared to the accusatory and aggressive tone

employed to refer to his Government were proof of the Commission's lack of neutrality and independence. The recommendation in paragraph 107 that European Union member States should maintain their sanctions against Burundi in flagrant contradiction to the mission assigned to them by the Human Rights Council in 2016 was solid evidence that the Commission was a political tool in the hands of the countries that had imposed sanctions on Burundi. Based on the outlandish allegations expressed by the Commission, there could be no other conclusion than that the external actors who had been behind the coup d'état in Burundi in May 2015 wanted to use the report to bring about regime change.

49. When negotiations between the European Union and the African Group had broken down, the latter had proposed an alternative draft resolution taking into account the concerns of both parties and with the aim of relaunching the talks and cooperation between the Burundian Government and the Office of the United Nations High Commissioner for Human Rights (OHCHR). To everyone's surprise, the European Union had introduced its own radical resolution, compelling the Human Rights Council to adopt two resolutions on the same country within the space of 24 hours and to create two parallel mechanisms with diametrically opposing mandates.

50. His delegation emphatically rejected the report and its conclusions for two further reasons: first, the Commission claimed that it had been unable to document the crimes committed by the insurgents because it could not enter the country, but that should have also been an obstacle to investigating charges against his Government. Second, it was unjustified to assert that the Burundian Government favoured impunity when it had arrested, tried and imprisoned hundreds of criminals, including members of its own security forces.

51. Burundi was a country committed to human rights despite the challenges that it currently faced. Dialogue, cooperation and consensus-based mechanisms like the universal periodic review were the only ways accepted by all Member States for ensuring the promotion and protection of human rights. Burundi agreed to cooperate fully with the new mechanism established by the Human Rights Council resolution initiated by the African Group as it emphasized the importance of dialogue and cooperation with the host country.

52. **Mr. Suárez Moreno** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that human rights issues should be addressed through a constructive, non-confrontational, non-politicized and non-selective approach based on dialogue in a fair and equal manner, guided by objectivity and respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States. The selective adoption of country-specific resolutions in the Third Committee and the Human Rights Council was a means of exploiting human rights for political purposes and, as such, breached the principles of universality, impartiality, objectivity and non-selectivity. The universal periodic review must be conducted with the full involvement of the country concerned. It must be based on objective and reliable information and be carried out in an impartial, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

53. **Mr. Ntwaagae** (Botswana) said that his delegation was deeply concerned about the human rights situation in Burundi. The work of the Commission had clearly been hampered by the lack of cooperation on the part of the Burundian authorities and their refusal to allow the members of the Commission to visit the country, contrary to its international obligations and responsibilities. The Commission was already in place and its findings and recommendations could not be disregarded. He urged the Government to cooperate fully with the Commission so that it could carry out its mandate. The Commission and OHCHR had complementary roles to play in addressing the human rights situation.

54. **Mr. Bessedik** (Algeria) said that the adoption by the Human Rights Council of two resolutions on Burundi during the same session, resulting in the establishment of two mechanisms to address the same issue, was a cause of concern. Such duplication was a waste of resources and should be avoided. His delegation favoured constructive approaches over confrontation, which was counterproductive. It should be noted that Burundi had supported Council resolution 36/2 on technical assistance and capacity-building to improve the situation of human rights in Burundi. He reminded the Committee that the use of country-specific mandates that targeted developing countries and did not have the consent of the country concerned had been one of the reasons why the Commission on Human Rights had been replaced. The universal periodic review was the appropriate framework for examining human rights issues.

55. **Mr. Hilale** (Morocco) recalled that, in its resolution 60/251 on the Human Rights Council, the General Assembly had recognized that "the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue" and had decided that the work of the Council should be "guided by the principles of universality, impartiality, objectivity

and non-selectivity, constructive international dialogue and cooperation". The emphasis on dialogue and cooperation stemmed from the international community's recognition that the Commission on Human Rights had been politicized.

56. By establishing a commission of inquiry without the consent of Burundi, the Council had chosen confrontation over dialogue and cooperation. It was regrettable that resolution 36/2 had not received the support of all Member States. It was intended to foster cooperation between the Government and the Council, with a view to verifying allegations of human rights violations. By extending the mandate of the Commission, the Council had failed to adopt a positive approach and had created two different mandates on the same issue, namely that of the Commission and that of the team of experts from OHCHR.

57. **Mr. Mero** (United Republic of Tanzania) said that his delegation wondered where the Commission had obtained credible information that justified the report's findings, given that its members had not visited Burundi. His delegation was sceptical about the intentions behind and the justification for the report and considered it to be void. A durable solution to the situation in Burundi would only be found through inclusive dialogue, mediated by President Museveni of Uganda and the former President of the United Republic of Tanzania, Mr. Mkapa. The framework established by the Arusha Peace and Reconciliation Agreement for Burundi was also important for restoring peace.

58. The United Republic of Tanzania, together with the other States members of the East African Community, was determined to ensure that a durable solution was found. His delegation was surprised that developed countries were imposing sanctions on the Government, yet continued to support non-State actors. The Government needed significant amounts of direct development assistance to complement its ongoing efforts aimed at ensuring peace, stability and development. The international community must support Burundi with a view to establishing durable democracy in the country.

59. **Mr. Forax** (Observer for the European Union) said that the Commission had reached extremely troubling conclusions regarding the human rights violations that had taken place in Burundi since April 2015 and the role of members of the security forces and the youth league Imbonerakure. There were reasons to believe that a number of those violations constituted crimes against humanity. The perpetrators should be held responsible, regardless of their affiliation. The Burundi Government should disarm all illegitimate armed groups, end impunity and comply with the Arusha Accords, notably with the provisions relating to constitutional reform.

60. Welcoming the renewal of the Commission's mandate, the European Union called on the Security Council to ensure appropriate follow-up to the Commission's conclusions and urged all parties to heed the Commission's recommendations. In view of the continuing severe violations of human rights in Burundi in an environment of impunity, it was crucial for the Commission to continue its investigations in order to identify those responsible in an independent and impartial manner.

61. The European Union welcomed the Burundi authorities' stated intention to cooperate with the international community to improve the human rights situation in their country. The early conclusion of negotiations between the authorities and OHCHR would enable the latter to reopen its office in Bujumbura. Clarity was needed regarding the violent altercation involving armed men that had taken place in the OHCHR offices one month earlier, and those responsible needed to be held accountable for their actions.

62. He wished to know what the Commission's priorities were for the second year of its mandate and how the regional mechanisms, such as the African Commission on Human and Peoples' Rights, could assist in the implementation of the Commission's recommendations.

63. **Mr. Yao** Shaojun (China) said that his Government advocated constructive dialogue and cooperation as a way to resolve differences in the area of human rights, and opposed the arbitrary imposition of a special procedure of the Human Rights Council without the consent of the country concerned. Stability in Burundi was conducive to maintaining peace in the Great Lakes region, which had not been easy to attain. The efforts of the Government of Burundi to promote reconciliation within the country, as well as the improvement of the situation there, deserved to be evaluated objectively by the international community. China supported the choices of the people of Burundi, and supported the Government and the opposition reaching an agreement through dialogue and consultation. It also supported the leading role of the East African Community in its mediation of the question of Burundi. The sovereignty of Burundi should be fully respected, and China was ready to work with the rest of the international community towards the swift achievement of a peaceful and political settlement of the situation.

64. **Mr. Qassem Agha** (Syrian Arab Republic) said that his country categorically rejected the profoundly

biased report of the Commission of Inquiry on Burundi (A/HRC/36/54). The Commission had been established in order to politicize the human rights situation in Burundi, interfere in the internal affairs of that country, undermine its system of government, and further the interests of colonialist States that misused human rights instruments to target countries that refused to submit to their expansionist agendas. The Commission's activities were also a blatant attempt to interfere in the work of the African Union. On the other hand, Syria warmly welcomed the adoption by the Human Rights Council of the balanced resolution on technical assistance and capacity-building to improve the situation of human rights in Burundi, which fully respected the sovereignty of Burundi.

65. **Mr. AlKadi** (Saudi Arabia) underscored his country's firm rejection of all selective and politicized reports and emphasized that, in order to promote human rights in a particular country, it was essential to work closely with that country's Government with a view to adopting resolutions to promote capacity-building. Indeed, such an approach had been endorsed by the Government of Burundi. Saudi Arabia supported all ongoing efforts at the regional and subregional levels, including, in particular, the efforts of the African Union, to develop collaborative approaches and to monitor and strengthen respect for human rights in Burundi.

66. **Mr.** Omer Dahab Fadl **Mohamed** (Sudan) said that his delegation supported international and regional efforts to resolve the situation in Burundi through dialogue, cooperation and technical assistance, which enhanced the involvement of the Burundian Government and ensured better protection for human rights. The United Nations should not rely on second-hand information; unfortunately, that appeared to be the case regarding the situation in Burundi.

67. **Mr. Giorgio** (Eritrea) said that his delegation welcomed the efforts of Burundi to promote and protect human rights, including its cooperation with the universal periodic review process. The international community should recognize and support the Government's efforts. The universal periodic review was the best platform for enhancing cooperation and partnership in the promotion of human rights. Eritrea strongly opposed country-specific mandates, which were politicized, confrontational and counterproductive. Instead of promoting human rights, they vilified and antagonized countries. The Human Rights Council was the appropriate organ for addressing human rights issues. Raising such issues in meetings of the General Assembly was an ineffective use of time and resources and resulted in duplication.

68. **Mr. Moussa** (Egypt) said that his delegation was deeply concerned by the fact that the Council had adopted two resolutions on the situation in Burundi, resulting in the creation of two mechanisms whose mandates were diametrically opposed. Egypt supported Council resolution 36/2 and the mechanism it had created. The resolution, which had been proposed by the African Group, took into consideration the concerns of all parties. The Government of Burundi had agreed to cooperate fully with the mechanism established pursuant to resolution 36/2. He deplored the fact that the report was based solely on the testimonies of Burundian refugees. Inclusion of the views of the authorities, as well as of other parties, would have enriched the report. Lastly, he reiterated his delegation's opposition to the politicization of human rights.

69. **Ms. Amadeo** (United States of America) said that her delegation was concerned by the Burundian Government's continued failure to grant members of the Commission access to the country, its lack of cooperation with the international community and the general closing of space for non-governmental organizations and independent media in Burundi. It was also dismayed by the grave human rights situation in Burundi, including by reports that extrajudicial killings, enforced disappearances, sexual violence and torture had occurred and that there were grounds to believe that crimes against humanity had been committed and were attributable to State officials. She called on the Government and armed opposition groups to immediately stop all violence and ensure that those responsible for abuses were held accountable. Considering the scale of human rights violations and the non-cooperation of Burundi with human rights special procedures, her delegation also had concerns about the country's membership of the Human Rights Council. Should the reports that security forces had committed crimes against humanity be verified, she asked what steps the international community should take to promote accountability for those crimes.

70. **Mr.** Youssouf Aden **Moussa** (Djibouti) said that his delegation was extremely concerned by the politicized, selective and subjective approach to human rights currently pursued by the Third Committee. The best way to encourage Member States to combat human rights abuses was to encourage all parties to engage in regular and consistent dialogue and cooperation. The Government of Burundi had already shown political will in its efforts to address the concerns about human rights abuses, and that should be appreciated as a sign of the country's commitment to dialogue. Dialogue and cooperation were the most reliable ways for promoting and protecting human rights.

71. **Mr. Kent** (United Kingdom) said that the report of the Commission and its belief that crimes against humanity had been committed in Burundi primarily by the security forces was a matter of deep concern. He applauded the dedication and courage of those who continued to report on human rights in the country despite severe curtailment of their personal freedoms and deplored the harassment and intimidation to which human rights defenders were subjected. Given the Burundian Government's obligation to protect diplomatic premises, he also condemned the Government's failure to cooperate with OHCHR and the recent incursion into its offices by armed men. Collaboration with the Commission offered the Burundian Government an opportunity to provide a transparent overview of the human rights situation in the country. He called on the President to reverse the unacceptable course of obstruction and evasion and to demonstrate to the international community that the Government was acting in the best interests of its citizens. He asked how the Chair of the Commission intended to work with the three experts soon to be appointed by OHCHR, in particular to ensure that the perpetrators of crimes against humanity were brought to justice.

72. **Mr. Taranda** (Belarus) said that his country had always opposed the politically motivated practice at the United Nations of establishing country-specific procedures, including commissions of inquiry, as they were ineffective and subjective. The case of Burundi was a glaring example of the paradox behind country-specific mandates: they served the interests of their initiators but failed to take into account the interests of the State concerned. Their reports were biased, distorted the real human rights situation on the ground and could not be trusted. Only through respectful talks with the Government could the United Nations improve the human rights situation in Burundi.

73. **Mr. Castillo Santana** (Cuba) said that human rights should be promoted and protected through dialogue and cooperation, within the framework of the universal period review process. His delegation opposed the use of country-specific special procedures that targeted developing countries. Accordingly, Cuba had voted against Council resolution 33/24 on the human rights situation in Burundi. African regional and subregional organizations and the Burundian authorities must be included in efforts to address possible concerns in Burundi and find effective solutions.

74. **Mr. Oppenheimer** (Netherlands) said that it was crucial for all perpetrators of violations of human rights to be brought to justice and for OHCHR and Burundi to renew their cooperation. His Government was encouraged by the stated intention of the Burundi authorities to cooperate with the international community.

75. The situation in Burundi remained a matter of deep concern and warranted scrutiny by the Security Council. Although his Government welcomed regional efforts to assist Burundians in finding a political solution, while respecting the Arusha Accords in letter and in spirit, human rights violations needed to be addressed for the solution to endure. His Government therefore supported the work of the Commission of Inquiry on Burundi. He asked the Chair of the Commission to comment on the cooperation between the Commission and the three experts.

76. **Mr. Zulqarnain** (Pakistan) said that promoting human rights was a shared responsibility and could only be achieved by eschewing politicization and selectivity in favour of a constructive and inclusive approach. The universal periodic review was the main intergovernmental cooperative mechanism for reviewing human rights at the national level.

77. **Ms. Shlychkova** (Russian Federation) said that the universal periodic review remained the most appropriate forum for discussions of the human rights situation in specific States. Discussing such matters within the Third Committee brought no added value since it neither improved the human rights situation in the country concerned nor promoted human rights worldwide. The international and regional efforts to assist Burundi would therefore be successful only if Member States respected the country's independence, sovereignty and territorial integrity. International assistance should focus on addressing domestic matters and promoting national dialogue and must be agreed upon with the authorities in the country in question. Member States should aim for constructive cooperation based on equal rights and mutual respect, rather than demonizing States and Governments that had fallen out of favour with them.

78. **Mr. Chekeche** (Zimbabwe) said that his country was against the submission of country-specific reports or resolutions. The Human Rights Council's universal periodic review mechanism was the most appropriate forum to deal with human rights issues in an individual State. Constructive engagement, mutual respect and cooperation were the preferred way forward. He urged Burundi and the Human Rights Council to engage in genuine dialogue to address the issues at stake.

79. **Ms. Bakuramutsa** (Rwanda) said that her country had felt the effects of the political unrest in neighbouring Burundi. Her delegation had reviewed the reports of the Commission of Inquiry and the African

Commission on Human and Peoples' Rights. The finding that human rights violations in Burundi could constitute crimes against humanity was disturbing and should be addressed by the relevant mechanisms. Her delegation welcomed the extension of the mandate of the Commission and urged the Burundian Government to cooperate with it. Commending the efforts of the African Union, the East African Community and the United Nations, she said that Rwanda would continue to support their work, with a view to finding a sustainable solution to the crisis.

80. **Mr. Ndong Mba** (Equatorial Guinea) said that in order for a commission of inquiry to have any credibility, all parties must consent to its establishment, including the Government. Reports should not be drafted far away from the country concerned, based solely on the testimonies of third parties. The present report was not an accurate reflection of the human rights situation because it only included the views of one of the parties concerned. He wondered how the Commission had prepared the report without visiting Burundi or engaging with the Government. Moreover, he questioned how the Government could be expected to cooperate with a commission whose very existence it rejected. Instead of hastily setting up a commission against the wishes of the Government, the focus should have been on creating the right conditions through dialogue. The Government's support for Human Rights Council resolution 36/2 was an opportunity for the Council to engage in dialogue with Burundi.

81. **Ms. Pertaub** (Mauritius) said that the Third Committee should maintain a constructive approach to the promotion of human rights and should avoid naming and shaming States. Human rights principles should not be used selectively and subjectively for political reasons. She commended the efforts of the African group regarding resolution 36/2 and the willingness of the Government to cooperate with OHCHR. That was the right way to proceed, given that the involvement of Burundi was essential in order to resolve the situation in the country.

82. The Human Rights Council, which was the body mandated to deal with human rights issues, should focus on building trust and cooperation. Her delegation was concerned that the Council had adopted two resolutions on Burundi, resulting in the creation of two mechanisms with different mandates, both of which required United Nations financing. All reports presented to the Council should be inclusive and balanced. The present report had been produced without consideration for the views of the national authorities.

83. **Mr. Jo** Jong Chol (Democratic People's Republic of Korea) said that his delegation rejected the establishment of the Commission, and therefore its report, as it infringed the sovereignty of Burundi, in violation of the Charter of the United Nations. Political motivations, selectivity and double standards were incompatible with the genuine promotion and protection of human rights. Human rights issues must be discussed in the Human Rights Council through the universal period review process.

84. **Ms. Khalvandi** (Islamic Republic of Iran) said that her delegation wished to emphasize the centrality of the principles of objectivity, dialogue and cooperation in the promotion and protection of human rights and the importance of a non-selective and non-politicized approach. She welcomed the willingness of the Government of Burundi to engage constructively with the mechanism established pursuant to resolution 36/2. Dialogue and cooperation, rather than confrontation, was the most effective way to address human rights issues and grievances. In that connection, her delegation supported the constructive approach of the African Group.

85. **Mr. Joshi** (India) said that the success of country-specific mandates hinged upon the mandate-holder's independence, impartiality and ability to perform their work with sensitivity and in line with international standards and best practice methodology. Furthermore, such mandates should be established with the consent of the country concerned. The Human Rights Council and its universal periodic review mechanism provided the most appropriate means for promoting human rights. A resolution on Burundi that had been recently adopted by the Council had established a new practical approach based on cooperation and dialogue. His Government also encouraged the international community to focus on providing technical and capacity-building assistance to Burundi.

86. **Mr. Ouguergouz** (President of the Commission of Inquiry on Burundi) said that he was not surprised by the rhetoric of the representative of Burundi, or by the serious accusations levelled against him. He interpreted as a threat the statement that Burundi reserved the right to prosecute the authors of the report for defamation. He reminded the representative that the members of the Commission were protected under the Convention on the Privileges and Immunities of the United Nations, and he stressed that they would not be intimidated. He stood by the findings of the report, which were the result of thorough and impartial investigations.

87. The Commission had based its work on the testimonies of individuals living outside the country

only because it had been banned from entering Burundi. The Government had no right to complain that it had not been given an opportunity to challenge the accusations contained in the report. The Commission had written three letters to the Permanent Representative and two to the Minister of Foreign Affairs asking for information on human rights violations committed against State agents, all of which had gone unanswered. The Commission had also met the President of the Independent National Human Rights Commission of Burundi, who had failed to provide information on human rights violations committed by armed opposition groups, despite promising to do so.

88. The Commission had not been able to document human rights violations committed by armed opposition groups against State agents because the victims were too scared to testify, given that the Commission had not been recognized by the Government. During the second phase of its mandate, the Commission would endeavour to gather information on attacks perpetrated by non-State actors. He deplored such attacks.

89. Responding to the questions asked by the representative of the European Union, he said that the Commission's priorities for the next phase of its mandate were fourfold. First, it would probe more deeply into allegations that it had not had time to corroborate before the publication of its report. Second, it would investigate allegations received after the publication of the report. Every piece of information and witness statement would be corroborated and backed up with other evidence. Third, it would investigate human rights violations committed by non-State actors, in particular armed opposition groups. Lastly, it would examine violations of economic, social and cultural rights.

90. He did not wish to make specific recommendations to the African Commission on Human and Peoples' Rights, which was a sovereign body, or other regional organizations. However, he recalled that the Commission, as well as the African Union and the East African Community, could file a case with the African Court on Human and Peoples' Rights for human rights violations. Pursuant to article 5 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, Burundi itself could also file a case with the Court, which would show the international community that it was serious about combating impunity.

91. Turning to the questions asked by the representatives of the Netherlands and the United Kingdom regarding cooperation between the Commission and the OHCHR team, he said that the team would be made up of three experts appointed by the High Commissioner for Human Rights. While the members of the Commission of Inquiry were entirely independent, the members of the OHCHR team would be staff members on the payroll of the United Nations and would report to the High Commissioner. The OHCHR team was mandated to collect and forward information to the judicial authorities of Burundi, which raised concerns about the safety of victims and witnesses. While the Commission was prepared to share information with and explain its working methods to the OHCHR team, it would not cooperate with the team if the safety of victims and witnesses were not assured.

92. **Mr. Shingiro** (Burundi), responding to the statement delivered by the representative of Rwanda, said that his country had nothing to learn from Rwanda, which violated human rights on a massive scale. Rwanda had experienced an alleged genocide and it was currently instigating another genocide in the Democratic Republic of the Congo.

93. With regard to the comments made by the President of the Commission of Inquiry, he said that Burundi intended to prosecute the authors of the report for defamation and attempting to destabilize the country. He warned the President that the members of the Committee would not simply accept the entire contents of his politically motivated report, as evidenced by the statements delivered during the present meeting. Indeed, out of 28 speakers, 23 had rejected the report.

94. **Mr. Kayinamura** (Rwanda) said that the statement delivered by the representative of Rwanda had been based on the contents of the reports of the Commission of Inquiry and the African Commission on Human and Peoples' Rights, not reports drafted by Rwanda. He urged the representative of Burundi to stop externalizing the country's internal problems and exploiting the trauma of the genocide in Rwanda for his own ends.

The meeting rose at 5.55 p.m.